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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,805	01/22/2002	Hugo Pimienta	02600.911	7420

22804 7590 10/06/2003

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EXAMINER	
WHITE, CARMEN D	
ART UNIT	**PAPER NUMBER**
3714	6

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,805	PIMIENTA, HUGO	
	Examiner	Art Unit	
	Carmen D. White	3714	

-- Th MAILING DATE of this communication appears on the cov r sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract **not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7, 9, 18-21, 24, 26, 35-37, 39 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by ***Cummings*** et al (6,183,361).

Regarding claims 1-4, 7, 9, 18-21, 24, 26, 35-37, 39 and 41, Cummings teaches a computerized gaming apparatus/method that comprises a processor; a memory coupled to the processor (Fig. 3); a gaming engine configured to interface with a gaming

interface via an interconnection fabric, said gaming engine configured to obtain a wager from a player; obtain a predicted outcome from the player; simulate a random chance event by executing a random number generator when said gaming engine has obtained said wager and said predicted outcome; obtain an actual simulated outcome of said random chance event using output generated by said random number generator; inform said player of a win if said predicted outcome matches said actual outcome (Fig. 1; Fig. 4; col. 6,lines 11-67 through col. 7, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-6, 8, 10-11, 13-17, 22-23, 25, 27-28, 30-34, 38, 40, 42-43 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Cummings*** et al.

Regarding claims 5 and 22, Cummings teaches all the limitations of the claims. Cummings is silent regarding the feature of the wager comprising credits earned by the player for performing an action. The examiner takes notice that it is well known in the art in lottery/slot gaming to allow players to wager previously won credits. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Cummings to provide an additional incentive for the players to continue game play; thereby, increasing the profits for the gaming establishment.

Regarding claims 6, 23 and 38, Cummings teaches all the limitations of the claims as discussed above. While Cummings teaches the feature of a wager, Cummings lacks teaching the use of fun money for the wager. It is well known in the gaming art to use play money (in such games as Monopoly™, Operation™, etc.). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize play money instead of actual money in Cummings to increase the excitement and decrease disappointment for players that are new to the game.

Regarding claims 8, 25 and 40, Cummings teaches all the limitations of the claims as discussed above. Cummings lacks the explicit disclosure of deactivating the play button when the wager is above a certain threshold. Cummings is functionally capable of achieving this function. It is merely a matter of programming the gaming software to start/stop game play when a certain wager is received. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate this feature into Cummings in order to prevent players from wagering and losing excessive amounts of money. This would increase player satisfaction after playing the game.

Regarding claims 10, 27 and 42, Cummings teaches all the limitations of the claims as discussed above. Cummings is silent regarding the explicit teaching of an animation window for displaying a visual depiction of the random event simulated by the random number generator. The examiner takes notice that it is well known in the art of gaming devices to display various animations in order to attract the player's attention.

Therefore, for this reason it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Cummings.

Regarding claims 11, 17, 28, 34, 43 and 49, Cummings teaches all the limitations of the claims as discussed above. Cummings is silent regarding the random chance event being binary. However, the examiner takes notice that this is a well known feature in random chance card games, whereby the player wagers on whether the outcome will be hi or lo. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate this binary feature in Cummings to increase the odds of the players choosing a winning outcome.

Regarding claims 13-16, 30-33 and 45-48, Cummings teaches all the limitations of the claims as discussed above. Cummings is silent regarding the feature of deducting a game fee. The examiner takes notice that it is well known in the art of network gaming to charge and deduct a game fee (particularly in network tournament type games). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the feature of deducting a game fee in Cummings to increase the profits of the gaming establishment.

Claims 12, 29, 44 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Cummings*** et al in view of ***Gutknecht*** (5,154,420).

Regarding claims 12, 29, 44 and 50-52, Cummings teaches all the limitations of the claims as discussed above. Cummings lacks the disclosure of the random event being simulated coin flips. In an analogous random chance game, Gutknecht teaches this feature (abstract; Fig. 1, #52). It would have been obvious to a person of ordinary

skill in the art at the time of the invention to incorporate this feature, as taught by Gutknecht, in Cummings to increase the familiarity of the game for players; thereby, increasing player participation.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

cdw

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700